

1 AN ACT in relation to criminal law.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Criminal Code of 1961 is amended by adding
5 Article 16H as follows:

6 (720 ILCS 5/Art. 16H heading new)

7 ARTICLE 16H. ILLINOIS FINANCIAL CRIME LAW

8 (720 ILCS 5/16H-1 new)

9 Sec. 16H-1. Short title. This Article may be cited as the
10 Illinois Financial Crime Law.

11 (720 ILCS 5/16H-5 new)

12 Sec. 16H-5. Legislative declaration. It is the public
13 policy of this State that the substantial burden placed upon
14 the economy of this State resulting from the rising incidence
15 of financial crime is a matter of grave concern to the people
16 of this State who have a right to be protected in their
17 health, safety, and welfare from the effects of this crime.

18 (720 ILCS 5/16H-10 new)

19 Sec. 16H-10. Definitions. In this Article unless the
20 context otherwise requires:

21 (a) "Financial crime" means an offense described in this
22 Article.

23 (b) "Financial institution" means any state or national
24 bank with a main office or branch office located in this
25 State, any state or federal savings and loan association or
26 savings bank with a main office or branch office located in
27 this State, or any state or federal credit union with a main
28 office or branch office located in this State, and any parent

1 company, affiliate, or subsidiary of any of the foregoing
2 having an office located in this State.

3 (720 ILCS 5/16H-15 new)

4 Sec. 16H-15. Misappropriation of financial institution
5 property. A person commits the offense of misappropriation of
6 a financial institution's property whenever, being an
7 officer, director, agent, or employee of, or being connected
8 in any capacity with, any financial institution, the person
9 knowingly misappropriates, embezzles, abstracts, purloins, or
10 willfully misapplies any of the moneys, funds, or credits of
11 the financial institution, or any moneys, funds, assets, or
12 securities entrusted to the custody or care of the financial
13 institution or to the custody or care of any agent, officer,
14 director, or employee of such financial institution.

15 (720 ILCS 5/16H-20 new)

16 Sec. 16H-20. Commercial bribery involving a financial
17 institution.

18 (a) A person commits the offense of commercial bribery
19 involving a financial institution when the person confers, or
20 offers or agrees to confer, any benefit upon any employee,
21 agent, or fiduciary without the consent of the latter's
22 employer or principal, with intent to influence his or her
23 conduct in relation to his or her employer's or principal's
24 affairs.

25 (b) An employee, agent, or fiduciary of a financial
26 institution commits the offense of commercial bribery of a
27 financial institution when, without the consent of his or her
28 employer or principal, he or she solicits, accepts, or agrees
29 to accept any benefit from another person upon an agreement
30 or understanding that such benefit will influence his or her
31 conduct in relation to his or her employer's or principal's
32 affairs.

1 (720 ILCS 5/16H-25 new)

2 Sec. 16H-25. Financial institution fraud. A person
3 commits the offense of financial institution fraud when the
4 person knowingly executes, or attempts to execute, a scheme
5 or artifice to defraud a financial institution or to obtain
6 any of the moneys, funds, credits, assets, securities, or
7 other property owned by, or under the custody or control of,
8 a financial institution, by means of false or fraudulent
9 pretense, representations, or promises.

10 (720 ILCS 5/16H-30 new)

11 Sec. 16H-30. Loan fraud. A person commits the offense of
12 loan fraud when the person knowingly makes any false
13 statement or report, or willfully overvalues any land,
14 property, or security, for the purpose of influencing in any
15 way the action of a financial institution to act upon any
16 application, advance, discount, purchase, purchase agreement,
17 repurchase agreement, commitment, or loan, or any change or
18 extension of any of the same, by renewal, deferment of action
19 or otherwise, or the acceptance, release, or substitution of
20 security.

21 (720 ILCS 5/16H-35 new)

22 Sec. 16H-35. Concealment of collateral. A person commits
23 the offense of concealment of collateral when the person,
24 with intent to defraud, knowingly conceals, removes, disposes
25 of, or converts to the person's own use or to that of
26 another, any property mortgaged or pledged to or held by a
27 financial institution.

28 (720 ILCS 5/16H-40 new)

29 Sec. 16H-40. Financial institution robbery. A person
30 commits the offense of financial institution robbery when the
31 person, by force and violence, or by intimidation, takes, or

1 attempts to take, from the person or presence of another, or
 2 obtains or attempts to obtain by extortion, any property or
 3 money or any other thing of value belonging to, or in the
 4 care, custody, control, management, or possession of, a
 5 financial institution.

6 (720 ILCS 5/16H-45 new)

7 Sec. 16H-45. Continuing financial crimes enterprise. A
 8 person commits the offense of a continuing financial crimes
 9 enterprise when the person knowingly:

- 10 (1) organizes, manages, or supervises a series of
 11 violations under this Article, and
 12 (2) receives \$5,000,000 or more in gross receipts from
 13 such enterprise during any 24-month period.

14 (720 ILCS 5/16H-50 new)

15 Sec. 16H-50. Sentence.

16 (a) A financial crime, the full value of which does not
 17 exceed \$1,000, is a Class A misdemeanor.

18 (b) A person who has been convicted of a financial crime,
 19 the full value of which does not exceed \$1,000, and who has
 20 been previously convicted of a financial crime or any type of
 21 theft, robbery, armed robbery, burglary, residential
 22 burglary, possession of burglary tools, or home invasion, is
 23 guilty of a Class 4 felony. When a person has such a prior
 24 conviction, the information or indictment charging that
 25 person shall state such prior conviction so as to give notice
 26 of the State's intention to treat the charge as a felony. The
 27 fact of such prior conviction is not an element of the
 28 offense and may not be disclosed to the jury during trial
 29 unless otherwise permitted by issues properly raised during
 30 such trial.

31 (c) A financial crime, the full value of which exceeds
 32 \$1,000 but does not exceed \$10,000, is a Class 3 felony. When

1 a charge of financial crime, the full value of which exceeds
 2 \$1,000 but does not exceed \$10,000, is brought, the value of
 3 the financial crime involved is an element of the offense to
 4 be resolved by the trier of fact as either exceeding or not
 5 exceeding \$1,000.

6 (d) A financial crime, the full value of which exceeds
 7 \$10,000 but does not exceed \$100,000, is a Class 2 felony.
 8 When a charge of financial crime, the full value of which
 9 exceeds \$10,000 but does not exceed \$100,000, is brought, the
 10 value of the financial crime involved is an element of the
 11 offense to be resolved by the trier of fact as either
 12 exceeding or not exceeding \$10,000.

13 (e) A financial crime which exceeds \$100,000 is a Class
 14 1 felony. When a charge of financial crime, the full value of
 15 which exceeds \$100,000, is brought, the value of the
 16 financial crime involved is an element of the offense to be
 17 resolved by the trier of fact as either exceeding or not
 18 exceeding \$100,000.

19 (f) A financial crime which is a financial institution
 20 robbery is a Class 1 felony.

21 (g) A financial crime which is a continuing financial
 22 crimes enterprise is a Class 1 felony.

23 Section 99. Effective date. This Act takes effect upon
 24 becoming law.